

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-21-19)
JASON AND SAMANTHA BURKHART
NOVEMBER 24, 2021

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Rick Breckenridge for Jason and Samantha Burkhardt for a zoning map amendment within the Blanchard Lake Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'AG-40 Agricultural' to 'SAG-10 Suburban Agricultural.'

B. Application Personnel

1. Owner/Applicant

Jason and Samantha Burkhardt
220 Twin Bridges Road
Whitefish, MT 55937

2. Technical Representative

Rick Breckenridge
2302 Highway 2 East Ste. 6
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell. 38

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on December 8, 2021 at 6:00 P.M. in the 2nd Floor Conference Room of South Campus Building located at 40 11th Street West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on December 21, 2021. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

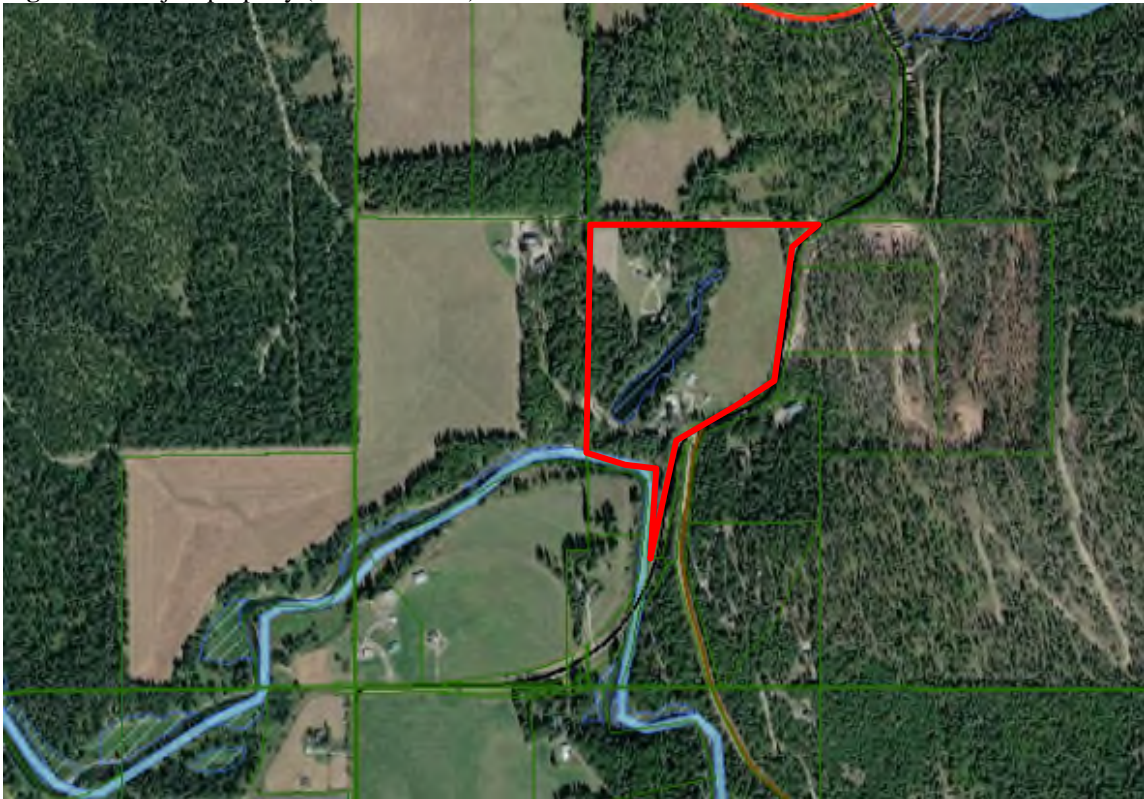
II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located at 280 Twin Bridges Road, at the intersection of north of KM Ranch Road, near Whitefish, MT (see Figure 1 below) and is approximately 32.5 acres. The properties are legally described as:

Tract 1 of Certificate of Survey No. 11481, located and being in the East Half of the Southwest Quarter (E½ SW¼) of Section 5, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

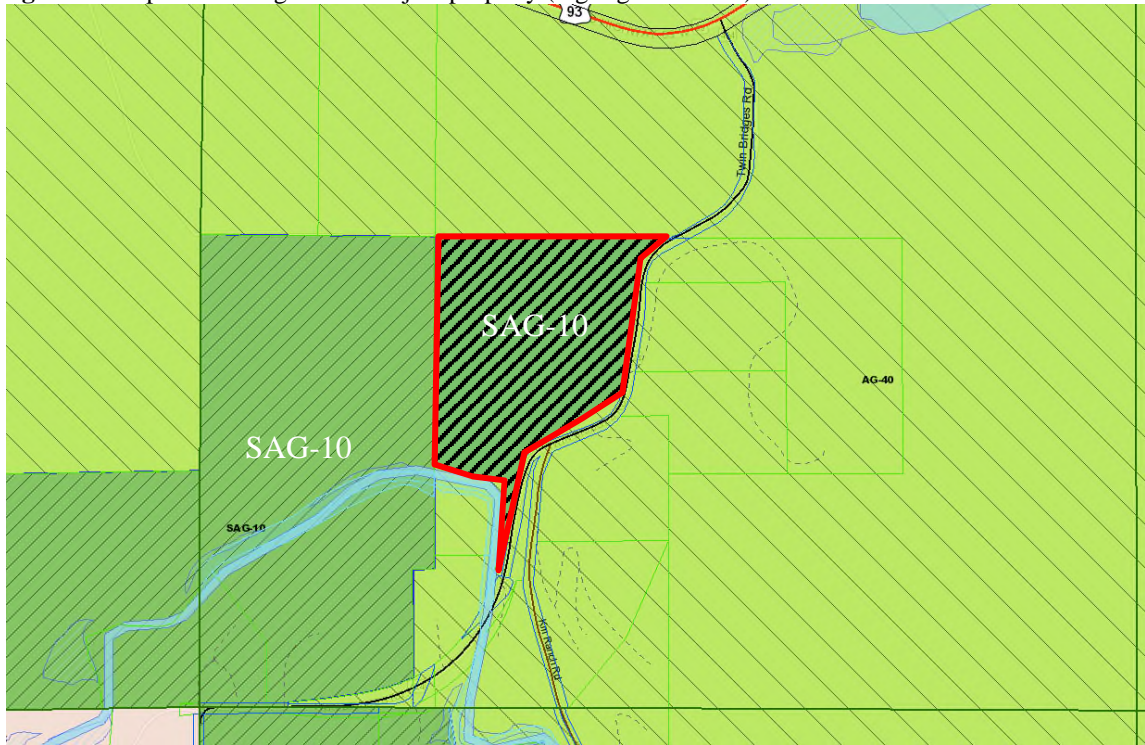
Figure 1: Subject property (outlined in red)



B. General Character of and Reason for Amendment

The subject property is located on Twin Bridges Road at KM Ranch Road. Currently the property is currently developed with two single-family dwellings, caretaker facility and three barns. The property is located next to the Stillwater River and contains floodplain. The application states the reason for the zone change as, “There are two existing residences on this property, built before zoning. Allows the owners to subdivide the residence off on the east side of the property.”

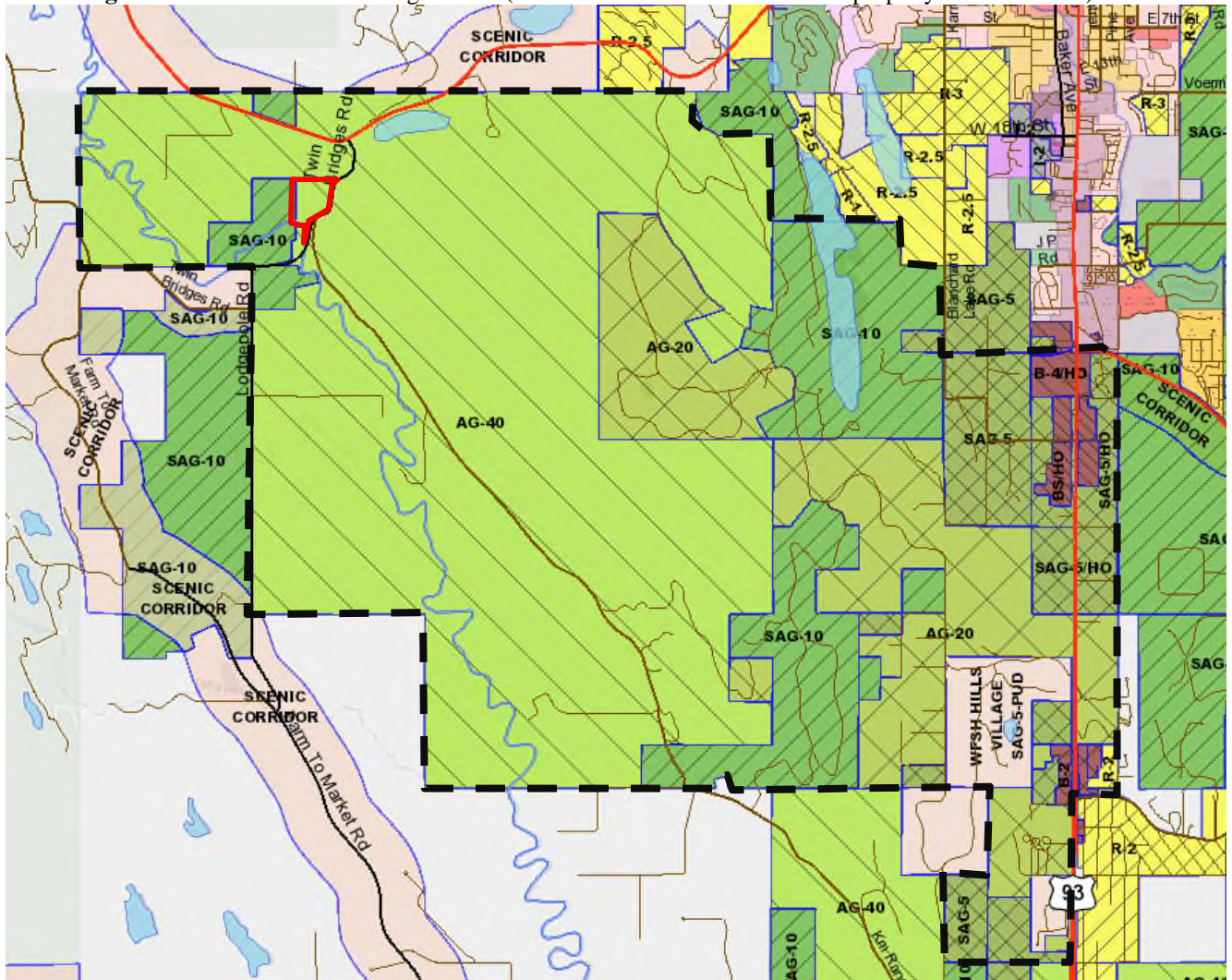
Figure 2: Proposed zoning on the subject property (highlighted in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located in the Blanchard Lake Zoning District. The surrounding property to the north, south and east is zoned AG-40 and to the west is similarly zoned SAG-10. (see Figure 2). The surrounding area is mostly forested with some open fields.

Figure 3: Blanchard Lake Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Olney-Bissell School District Whitefish High School District
Fire:	Whitefish Rural
Police:	Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on September 30, 2021:
 - Bonneville Power Administration
 - Montana Fish, Wildlife, and Parks

- Whitefish High School District
 - Olney- Bissell School District
 - Whitefish Rural Fire District
 - Flathead County Sherriff
 - Flathead City-County Health Department
 - Flathead County Road and Bridge Department
 - Flathead County Solid Waste
 - Flathead County Weeds and Parks Department
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Bonneville Power Administration
 - Comment: “At this time, BPA does not object to the request, as the property is located 0.46 miles away from the nearest BPA transmission lines or structures.” Email dated October 7, 2021.
 - Flathead County Road & Bridge Department
 - Comment: “However, we would like to let you know that Twin Bridges Road at this location is not a County maintained road. The Montana Department of Transportation has jurisdiction of this State Secondary Highway 424.” Letter dated October 7, 2021
 - Flathead County Solid Waste
 - Comment: “The District request all solid waste generated at the proposed location be hauled by a private hauler. Republic Services is the listed (PSC) Public Commission private hauler in this area.” Letter dated October 7, 2021
 - City of Whitefish Fire Department
 - Comment: *“This location while not in the City of Whitefish is in our primary response area.*
 - “At this time the only concern would be any additional access points onto Twin Bridges Road. The intersection between Twin Bridges Road and KM Ranch Road is a horrible intersection due to the angle and the grade.”* Letter dated October 12, 2021

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on November 17, 2021. Legal notice of the Planning Board public hearing on this application was published in the November 21, 2021 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice was also published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for December 8, 2021 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best- or worst-case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The AG-40 designation is defined in Section 3.05 FCZR as, '*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*'

Per Section 3.07 of the Flathead County Zoning Regulations (FCZR), SAG-10 is defined '*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*'

The permitted uses and conditional uses for the proposed and existing zoning varies greatly. The amendment would decrease the number of permitted uses from 23 to 21 and decrease the number of conditional uses from 24 to 23. There is one permitted use listed within the AG-40 that is listed as conditional use in SAG-10 which is; a Kennel. And Fish hatchery, is the one permitted use in AG-40 that is not allowed in the SAG-10 zone. There are three conditional uses within the SAG-10 zone not listed in AG-40:

- Community residential facility
- Golf driving range, and
- Manufactured home park.

The conditional use listed within the AG-40 but not allowed in SAG-10 are:

- Feed and seed processing and cleaning,

- Feed lot; cattle, swine, poultry,
- Landfill sanitary for disposal of garbage and trash,
- Radio and televisions broadcast studio, and
- Rifle range.

The bulk and dimensional requirements within the current and proposed zoning require a 20-foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20-foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. Both zones have a permitted lot coverage is 20% and maximum height is 35 feet.

The existing zoning requires a minimum lot area of ten acres. The subject property totals 32.5 acres, zero additional lot could be created under the existing zoning. The proposed zoning requires a minimum lot area of ten acres; therefore, two additional lots could be created. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar, but the amendment would reduce the number of permitted uses while increasing the number of conditional uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R).

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as ‘Agricultural.’ The proposed SAG-10 zoning classification would appear to contrast with the current designations. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, “This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plans. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.”

Staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved, the Designated Land Use Map can be updated by

staff to reflect changes made by the County Commissioners based on goals and policies of the Growth Policy.

Part 4 of Chapter 2 the Growth Policy states, *'It is clear that agriculture plays a vital role in both the economy and culture of Flathead County. The custom and culture of agriculture in Flathead County is one of the features that is contributing to rapid growth and development. Lands that have traditionally been used for agriculture are being converted increasingly to residential uses as residents seek rural living.'*

Part 7 of Chapter 2 the Growth Policy states, *'The change in land uses from agriculture and timberlands to residential and the accompanying impacts of that change, create some of the greatest growth challenges to the county.'*

The surrounding area is forested with some open fields. The proposed zoning would continue to allow for agriculture.

The introduction to Part 7 of Chapter 2 states, *'The density of residential developments is an issue raised throughout the public involvement process [...] Residential development, including the subdivision of land, is not inherently problematic. However, residential development at a density that is not compatible with existing local services and neighborhood character is likely to be contentious.'* It goes on to say that, *'Capacity is based on the size and quality of the road, and once the capacity is exceeded, public safety suffers. Low density residential land uses on low capacity roads are a match, but medium or high density land uses on low capacity roads create problems.'*

The proposed zoning would allow for both agriculture and silviculture on the property. The SAG-10 zone is a suburban agriculture zone with a ten-acre minimum lot size. SAG-10 does not require public water and sewer and the lots would generally be large enough to accommodate a septic system with a drainfield while providing separation for a well.

The following is a consideration of goals and policies which appear to be applicable to the proposed zone change:

- ❖ **G.2** – *Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*
 - The amendment would allow the owner to subdivide but would also allow for the continuation of the existing use on the property.
- ❖ **G.3** – *Preserve the cultural integrity of private and public agriculture and timber lands in Flathead County by protecting the right to active use and management and allowing a flexibility of private land use that is economically and environmentally viable to both the landowner and Flathead County.*
 - **P.3.3** – *Maintain flexibility of land use options to forest and agriculture land owners by focusing on mitigating the negative impacts of development.*
 - **P.4.3** – *Identify a desirable gross density for rural residential development that retains land values, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc.)*

- The property is currently used for agriculture and the SAG-10 zoning would continue to allow for agriculture similar to the existing zone.
- ❖ **G.4** – *Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.*
 - **P.4.5** – *Develop equitable and predictable impact-mitigation for converting agricultural lands to residential uses.*
 - The proposed zoning would allow for agriculture on the subject property while providing additional flexibility to the landowner to subdivide the property and sell off smaller lots.
- ❖ **G.8** – *Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.*
 - The SAG-10 designation would allow for densities of one dwelling unit per ten acres for single family. One dwelling unit per ten acres would not require public water and sewer. Further discussion on public utilities is contained later in this report.
 - **P.8.2** – *Identify required criteria for various densities that support the seven elements of the public’s vision outlined in Chapter 1.*

The Seven Elements of the Public’s Vision include:

- **Protect the Views**
The vision states, ‘*One characteristic that residents of Flathead County cherish is the view. Views of mountains, lakes, forests, wildlife, and open spaces are cited as characteristics residents of Flathead County would not change. “Scenic resources” are valued throughout the county regardless of age, gender or location.*’ The proposed zone change if approved would likely have minimal impact on views because it would allow for two additional lots.
- **Promote a Diverse Economy**
The vision states, ‘*The cost of living and home ownership should be affordable to the median income.*’ The proposed zone change if approved could allow for additional single family residential adding to the housing supply which has the potential to make homeownership more affordable because the SAG-10 zone would allow for Accessory Dwelling Units which have the potential to add affordable rental units to the county.
- **Manage Transportation**
Vision 3 discusses managing traffic flow through land development patterns; this report contains discussion regarding the proposals impacts on traffic below.
- **Maintain the Identity of Rural Communities**
The vision states, ‘*Preventing communities from growing together and losing their unique identities was another concern of many scoping meeting participants. The concern of seeing Flathead County turn into one continuous sprawling development was expressed in a variety of ways.*

Many residents of Flathead County do not want to see strip malls, used car lots, mini storage, warehouse stores, lumber yards, and other visually dominating land uses disrupt the perception of driving between unique rural communities.’ The proposed SAG-10 zoning is rural zoning district that would allow for rural residential development.

- *Protect Access to and Interaction with Parks and Recreation*
This report contains a discussion on parks and recreation below.
 - *Properly Manage and Protect the Natural and Human Environment*
The vision states, ‘Air and water quality were mentioned frequently as well as co-habitation of people and wildlife being qualities that make Flathead County unique and desirable. Many residents expressed a desire to protect the lakes, rivers, ponds, groundwater and air for future generations.’ The property is located along the Stillwater River and contains floodplain. The 10-acre density will allow for wooded areas to remain and allow for construction of homes and accessory buildings outside the floodplain.
 - *Preserve the Rights of Private Property Owners.*
As previously stated, the amendment would allow the owner to subdivide the property but would also allow for the continuation of agricultural on the property.
- ❖ *G.15 – Promote a diverse demographic of residents.*
- *P.15.1 – Encourage housing, employment, education and recreation to attract, support and maintain young families.*
 - The SAG-10 zone would allow for single family dwelling, manufactured homes and would also allow for accessory dwelling units as a permitted use, all of which has the potential to make housing more affordable for young families.
- ❖ *G.23 – Maintain safe and efficient traffic flow and mobility on county roadways.*
- *P.23.2 – Limit private driveways from directly accessing arterials and collector roads to safe separation distances.*
 - Primary access to the property is currently via Twin Bridges Road from Twin Bridges Road is a paved public road within a 60-foot easement. Any subdivision of land that results from this zone change would not add private driveways arterials and collector roads.
- ❖ *G.31 – Growth that does not place unreasonable burden on the school district to provide quality education.*
- This report contains discussion on the proposal’s potential burden on schools below.
- ❖ *G.32 – Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*
- ❖ *G.33 – Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*
- This report contains discussion on the adequacy of emergency service below.

Finding #1: The proposed zoning map amendment generally complies with the Flathead County Growth Policy because the SAG-10 zone would allow for agriculture, allow for manufactured homes, single family homes and ADUs which has the potential to allow for affordable housing options, and the property is located in a rural area and the proposed zoning is rural in nature.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The property is located in the Rural Whitefish Fire District and approximately 6 miles from the nearest Fire Station. The property is located in the Wildland Urban Interface (WUI), and a county wide priority area. According to the applicant, “This tract is in the Rural Whitefish Fire District This proposal will not increase or decrease any public hazard. The paved road affords any first responder quicker response time if an emergency call is made.”

Primary access to the property is currently via Twin Bridges Road which is a two-lane paved public road within a 60-foot easement and is maintained by the Montana Department of Transportation. The fire department expressed concerns with the intersection of Twin Bridges and KM Ranch, *“At this time the only concern would be any additional access points onto Twin Bridges Road. The intersection between Twin Bridges Road and KM Ranch Road is a horrible intersection due to the angle and the grade.”*

A portion of the property is designated as Zone A according to FIRM Panel 30029C1070J. The Stillwater River borders the south property line, and the 100-year floodplain encroaches into the middle portion of the property.

Finding #2: The proposed map amendment would have minimal impact safety from fire and other danger because even though the property is located in the WUI and county wide priority area, the property is located in the Rural Whitefish Fire District and the zone change has the potential to add only two lots.

b. Promote public health, public safety, and general welfare;

The property is located in the Rural Whitefish Fire District and approximately 6 miles from the nearest Fire Station. The Flathead County Sheriff’s Department provides police services to the subject property.

The SAG-10 zoning classification would allow for similar uses to what already exists in the area and what is allowed within in the current and neighboring SAG-10 designation, therefore the zone change is not anticipated to adversely impact public health, safety, or welfare.

Finding #3: The proposed zoning map amendment would have minimal impact on public health, public safety, and general welfare because the property is served by the Flathead County Sheriff and Whitefish Fire Department in the event of an emergency, the proposal has the potential to add two lots and the SAG-10 zoning would allow for similar uses to what already exist in the area.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is accessed off Twin Bridges Road which is a two-lane paved public road within a 60-foot easement and is maintained by the Montana Department of Transportation.

The most recent average daily trips (ADT) estimate from MDT, indicate 1,814 vehicle trips. As a result of the proposed zone change, two additional lots could be created leading to an increase of 20 ADT. This has the potential to more than double traffic on Addison Trail and lead to an increase of 1.1% on Twin Bridges Road.

The applicant will be required to work with the Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development. Flathead City-County Health Department submitted no comments on the proposal.

While the subject property is located within the Olney-Bissell School District and Whitefish High School District, the school districts did not provide comments on this proposal. The proposed zoning has the potential to generate school children but is not likely to significantly impact either school. According to the 2019 Census Data there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 16,758 students enrolled in County schools. The total students (16,758) divided by the total households (49,531) equals approximately 0.34 students per household. The proposal has the potential to generate 2 additional dwellings and therefore could generate approximately one school age child.

The zoning map amendment would change the current 40-acre minimum lot size to a smaller 10-acre minimum lot size, it is anticipated subsequent future development would require review and parkland would not be required at that time because the lots created would be greater than five gross acres in size. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

Finding #4: The amendment would facilitate the adequate provision of transportation because Twin Bridges Road would be able to accommodate an increase of 20 ADT.

Finding #5: The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the property would continue to be served by on-site septic and wells, further division of the property into parcels of less than 20 acres is subject to review under Sanitation in Subdivisions Act, the school districts provide no comments, and the proposal would generate minimal school children and minimal impact on the existing park system.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

Any additional lots created, or structures constructed would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the SAG-10 zoning classification. The bulk and dimensional requirements within

the current and proposed zoning require a 20-foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20-foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. Both zones have a permitted lot coverage is 20% and maximum height is 35 feet. The requirements have been established to provide for a reasonable provision of light and air.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk, dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.

b. The effect on motorized and non-motorized transportation systems;

As previously stated, primary access is off Twin Bridges Road which is a two-lane paved public road within a 60-foot easement and is maintained by the Montana Department of Transportation.

The most recent average daily trips (ADT) estimate from MDT, indicate 1,814 vehicle trips. As a result of the proposed zone change, two additional lots could be created leading to an increase of 20 ADT. This has the potential to more than double traffic on Addison Trail and lead to an increase of 1.1% on Twin Bridges Road. The fire department expressed concerns with the intersection of Twin Bridges and KM Ranch, *“At this time the only concern would be any additional access points onto Twin Bridges Road. The intersection between Twin Bridges Road and KM Ranch Road is a horrible intersection due to the angle and the grade.”*

The Flathead County Trails Plan identifies Twin Bridges as a proposed connector bike/pedestrian trail. Future subdivision of the property would require a bicycle and pedestrian easement along Twin Bridges Road. The proposed subdivision is not anticipated to have a negative impact on non-motorized transportation systems.

Finding #7: The proposal could negatively impact the motorized transportation systems because the proposal has the potential to add traffic and access points near the KM Ranch and Twin Bridges intersection which the fire department calls a horrible intersection due to the angle and the grade.

Finding #8: Effects on the non-motorized transportation systems will be minimal because there appears to be adequate space for a future bike/pedestrian easement along Twin Bridges.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

Whitefish is the nearest municipality to the subject property and the city limits are located approximately 3.5 miles away. The property is located outside the boundary of the Whitefish Growth Policy.

Finding #9: Consideration has been given to the compatibility of the proposed zoning map amendment to the City of Whitefish’s urban growth and it has been

determined the map amendment is located beyond the western extent of Whitefish's urban growth, as shown on the Whitefish Growth Policy Future Land Use Map, and therefore there is no plan with which to be compatible and the City of Whitefish did not provide comment.

- d. The character of the district(s) and its peculiar suitability for particular uses;**
The character of the district and its peculiar suitability for particular uses can best be addressed using the "three-part test" established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. ***The zoning allows a use that differs significantly from the prevailing use in the area.***

The character of the zoning district in the vicinity of the subject property is agricultural and rural residential. The property is located on Twin Bridges Road and to the west of the property is SAG- zoning, to the north, south and east is AG-40. The proposed SAG-10 zoning would allow for agricultural and residential uses similar to what already exists in the area and the same as what is currently permitted in the neighboring SAG-10 zoning.

- ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to one tract for the benefit of one owner. Using standard ArcGIS software staff determined that the subject property is located adjacent to an approximate 164.3-acre SAG-10 to the west. The proposed zone change would add 32.5 acres of SAG-10 connecting the existing zoning use district, creating a 196.8-acre SAG-10 zoning use district.

- iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The subject property is currently owned by a single landowner however, the permitted and conditional uses listed within a SAG-10 zone are similar to the permitted and conditional uses in the current AG-40 zone, as discussed in the build-out analysis. The proposed zone change would add 32.5 acres of SAG-10 to the existing SAG-10 zoning creating 196.8-acre SAG-10 zoning use district. So even though the proposal is for a small area and has one owner it would not be at the expense of the general public.

Finding #10: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would add 32.5 acres of SAG-10 to an existing SAG-10 zone and the zoning does not allow uses that differs significantly from the prevailing use in the area.

e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The adjacent properties are similarly rural residential uses. The uses allowed within the SAG-10 zone are similar to what is permitted and what currently exists in the surrounding SAG-40 and the same as adjacent SAG-10 designations. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

Finding #11: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding area.

4. **Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

Whitefish is the nearest municipality to the subject property and the city limits are located approximately 3.5 miles away. The subject property is located outside of Whitefish Growth Policy. Because there are no nearby municipalities the proposal will have no impact on compatibility of zoning ordinances of nearby municipalities.

Finding #12: The proposed map amendment will not impact the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 3.5 miles from the subject property.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment generally complies with the Flathead County Growth Policy because the SAG-10 zone would allow for agriculture, allow for manufactured homes, single family homes and ADUs which has the potential to allow for affordable housing options, and the property is located in a rural area and the proposed zoning is rural in nature.
2. The proposed map amendment would have minimal impact safety from fire and other danger because even though the property is located in the WUI and county wide priority area, the property is located in the Rural Whitefish Fire District and the zone change has the potential to add only two lots.
3. The proposed zoning map amendment would have minimal impact on public health, public safety, and general welfare because the property is served by the Flathead County Sheriff and Whitefish Fire Department in the event of an emergency, the proposal has the potential to add two lots and the SAG-10 zoning would allow for similar uses to what already exist in the area.
4. The amendment would facilitate the adequate provision of transportation because Twin Bridges Road would be able to accommodate an increase of 20 ADT.
5. The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the property would continue to be served by on-site septic and wells, further division of the property into parcels of less than 20 acres is subject to review under Sanitation in Subdivisions Act, the school districts

provide no comments, and the proposal would generate minimal school children and minimal impact on the existing park system.

6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk, dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.
7. The proposal could negatively impact the motorized transportation systems because the proposal has the potential to add traffic and access points near the KM Ranch and Twin Bridges intersection which the fire department calls a horrible intersection due to the angle and the grade.
8. Effects on the non-motorized transportation systems will be minimal because there appears to be adequate space for a future bike/pedestrian easement along Twin Bridges.
9. Consideration has been given to the compatibility of the proposed zoning map amendment to the City of Whitefish's urban growth and it has been determined the map amendment is located beyond the western extent of Whitefish's urban growth, as shown on the Whitefish Growth Policy Future Land Use Map, and therefore there is no plan with which to be compatible and the City of Whitefish did not provide comment.
10. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would add 32.5 acres of SAG-10 to an existing SAG-10 zone and the zoning does not allow uses that differs significantly from the prevailing use in the area.
11. This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding area.
12. The proposed map amendment will not impact the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 3.5 miles from the subject property.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM